

## **Sample Letter 7: Requesting Prior Written Notice**

Street Address  
City, State, Zip Code  
Month, Date, Year

Name of Person to Whom You Are Writing  
Title  
Street Address  
City, State, Zip Code

Dear (name),

At our meeting (or) during our phone conversation on (date), we discussed my child's (evaluation, eligibility, placement, IEP, services, etc.). I requested (\_\_\_\_\_). . . and was denied (or) I was told the school intends to (\_\_\_\_\_). . . but I have never received any information about this decision in writing. In accordance with the IDEA regulations, I am requesting prior written notice regarding (be very specific about the issue/decision you want the school to respond to. Bullet or number the items.)

According to the IDEA, at 34 CRF §300.503, prior written notice must include the following:

1. A description of what the school is proposing or refusing to do;
2. An explanation of why the school proposes or refuses this action;
3. A description of any other options the school considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the school used as a basis for this decision;
5. A description of any other relevant factors that went into this decision;
6. Information on how I can obtain a copy of procedural safeguards available to me under the law and a full explanation of the safeguards, and
7. Information on sources I can contact for help in understanding IDEA's regulations.

I look forward to receiving a detailed response to my request as soon as possible. Thank you for your assistance.

Sincerely,

Your name

cc: the principal, supervisor, or special education administrator  
other members of the meeting

## **Requesting Prior Written Notice**

### ***What is prior written notice, and why would I want it?***

There are certain times when the school must put in writing its decisions about your child's education and the reasons for those decisions. This written communication is called *prior written notice*. You have the right to receive prior written notice, whenever the school wants to (or refuses to):

- evaluate your child,
- change your child's disability identification,
- change your child's educational placement, or
- change the way in which your child is provided with FAPE.

The school system is supposed to automatically provide you with prior written notice in any of these events. In practice, though, sometimes the school may tell you its decision over the telephone, in a meeting, or in a one-on-one conversation. If you want the notification in writing, you may ask the school system to provide it. And it is best that you put your request in writing.

For example, you may have asked for an IEE at public expense. The school system may tell you on the phone that it has denied your request. You may ask for prior written notice of this denial. The school must then put its decision in writing and explain the reasons for the decision. This information can be helpful if you pursue the IEE through a due process hearing. You will then have in writing the school system's reasons for denying the IEE.

NOTE: Additional information on Prior Written Notice may be found in Section 300.503 of the Federal Regulations for the Implementation of the Individuals with Disabilities Education Act (IDEA) to the Amendments of 1997 at <http://www.ade.az.gov/ess/newidearegulations.pdf>, pages 129-130.